

Senate File 83 - Introduced

SENATE FILE 83

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A BILL FOR

1 An Act relating to instruction relating to gender identity in
2 the curriculum provided to students enrolled in kindergarten
3 through grade eight in school districts, accredited
4 nonpublic schools, and charter schools and creating a
5 private cause of action.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.11, subsections 2, 3, and 4, Code
2 2023, are amended to read as follows:

3 2. The kindergarten program shall include experiences
4 designed to develop healthy emotional and social habits and
5 growth in the language arts and communication skills, as well
6 as a capacity for the completion of individual tasks, and
7 protect and increase physical well-being with attention given
8 to experiences relating to the development of life skills
9 and human growth and development. A kindergarten teacher
10 shall be licensed to teach in kindergarten. An accredited
11 nonpublic school must meet the requirements of [this subsection](#)
12 only if the nonpublic school offers a kindergarten program.
13 The curriculum provided to students in accordance with this
14 subsection shall not include instruction relating to gender
15 identity as defined in section 216.2.

16 3. The following areas shall be taught in grades one through
17 six: English-language arts, social studies, mathematics,
18 science, health, age-appropriate and research-based human
19 growth and development, physical education, traffic safety,
20 music, and visual art. Computer science instruction
21 incorporating the standards established under section 256.7,
22 subsection 26, paragraph "a", subparagraph (4), shall be
23 offered in at least one grade level commencing with the school
24 year beginning July 1, 2023. The health curriculum shall
25 include the characteristics of communicable diseases including
26 acquired immune deficiency syndrome. The state board as part
27 of accreditation standards shall adopt curriculum definitions
28 for implementing the elementary program. The curriculum
29 provided to students in accordance with this subsection shall
30 not include instruction relating to gender identity as defined
31 in section 216.2.

32 4. The following shall be taught in grades seven and
33 eight: English-language arts; social studies; mathematics;
34 science; health; age-appropriate and research-based human
35 growth and development; career exploration and development;

1 physical education; music; and visual art. Computer science
 2 instruction incorporating the standards established under
 3 section 256.7, subsection 26, paragraph "a", subparagraph (4),
 4 shall be offered in at least one grade level commencing with
 5 the school year beginning July 1, 2023. Career exploration
 6 and development shall be designed so that students are
 7 appropriately prepared to create an individual career
 8 and academic plan pursuant to [section 279.61](#), incorporate
 9 foundational career and technical education concepts aligned
 10 with the six career and technical education service areas
 11 as defined in [subsection 5](#), paragraph "h", and incorporate
 12 relevant twenty-first century skills. The health curriculum
 13 shall include age-appropriate and research-based information
 14 regarding the characteristics of sexually transmitted diseases,
 15 including HPV and the availability of a vaccine to prevent
 16 HPV, and acquired immune deficiency syndrome. The state board
 17 as part of accreditation standards shall adopt curriculum
 18 definitions for implementing the program in grades seven
 19 and eight. However, [this subsection](#) shall not apply to the
 20 teaching of career exploration and development in nonpublic
 21 schools. For purposes of [this section](#), "age-appropriate",
 22 "HPV", and "research-based" mean the same as defined in section
 23 279.50. The curriculum provided to students in accordance
 24 with this subsection shall not include instruction relating to
 25 gender identity as defined in section 216.2.

26 Sec. 2. NEW SECTION. 280.33 Instruction related to gender
 27 identity — private cause of action.

28 1. A parent or guardian of a student alleging a violation
 29 of the prohibition against providing curriculum that includes
 30 instruction relating to gender identity provided in section
 31 256.11, subsection 2, 3, or 4, may bring a civil action
 32 for injunctive relief against a school district, accredited
 33 nonpublic school, or charter school to prohibit the school
 34 district, accredited nonpublic school, or charter school from
 35 continuing such violation.

1 2. If a parent or guardian is the prevailing party in a
2 civil action instituted pursuant to subsection 1, the court
3 shall award reasonable court costs and attorney fees to the
4 parent or guardian.

5

EXPLANATION

6

The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8

9 This bill establishes that the curriculum utilized in
10 kindergarten through grade eight by a school district,
11 accredited nonpublic school, or charter school in accordance
12 with the state's educational standards shall not include
13 instruction relating to gender identity. "Gender identity",
14 for purposes of the bill, means a gender-related identity of a
15 person, regardless of the person's assigned sex at birth.

16 The bill provides that if a school district, accredited
17 nonpublic school, or charter school violates this prohibition,
18 a parent or guardian of a student may bring a civil action
19 for injunctive relief against the school district, accredited
20 nonpublic school, or charter school to prohibit the school
21 district, accredited nonpublic school, or charter school from
22 continuing such violation. The bill also provides that if the
23 parent or guardian is the prevailing party in this action, the
24 court shall award reasonable court costs and attorney fees to
the parent or guardian.